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Counsel for Defendant GARCIA-GRACIANO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	No. CR 07-00790 CW
Plaintiff,)	
)	STIPULATION AND
v.)	ORDER CONTINUING MOTIONS
)	FILING DATES
)	
ENRIQUE GARCIA-GRACIANO,)	
)	
Defendant.)	

IT IS HEREBY STIPULATED, by and between the parties to this action, that the motions filing dates in this case may be continued as follows: defendant's motion to dismiss, currently due on February 13, 2008, may be continued to March 5, 2008; the government's opposition, currently due of February 20, 2008, may be continued to March 12, 2008; defendant's reply currently due on February 27, 2008, may be continued to March 26, 2008. The hearing date for the motion, currently set for Wednesday, March 5, 2008, at 2:00 p.m. shall remain on calendar for status or disposition.

The background is that Mr. Garcia-Graciano intends to file a motion to dismiss the indictment and allege due process violations at the time of his prior deportation hearing. Mr. Garcia-Graciano

1 has retained an immigration expert, Angela Bean to prepare a declaration in support of the motion.
2 However, Ms. Bean needs additional time to complete her review and prepare the declaration. In
3 addition, defense counsel will be out of the country and unavailable from February 14, 2008 through
4 February 24, 2008. Continuing the motions filing date to March 5, 2008 will allow defense counsel
5 to speak with the immigration expert and the government upon return and possibly agree upon a
6 disposition in lieu of the motion being filed. Therefore, the parties are asking that the March 5, 2008
7 date remain on the Court's calendar for status or disposition. If there is no disposition, the motion to
8 dismiss will be filed on that date.
9

10 The Court already has excluded time from the last appearance on January 30, 2008 through
11 March 5, 2008 in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
12 3161(h)(8)(A) and (B)(iv) for continuity of counsel and adequate preparation of counsel.
13

14 /S/
15 DATED: 2/12/08
16 JOYCE LEAVITT
Assistant Federal Public Defender

17 /S/
18 DATED: 2/12/08
19 CHINHAYI COLEMAN
Assistant United States Attorney

20 SIGNATURE ATTESTATION

21 I hereby attest that I have on file all holograph signatures for any signatures indicated by
22 a "conformed" signature (/S/) within this e-filed document.
23
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25
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ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the defendant's motion to dismiss, currently due on February 13, 2008, may be continued to March 5, 2008; the government's opposition, currently due of February 20, 2008, may be continued to March 12, 2008; defendant's reply currently due on February 27, 2008, may be continued to March 26, 2008. The hearing date for the motion, currently set for Wednesday, March 5, 2008, at 2:00 p.m. shall remain on calendar for status or disposition.

IT IS FURTHER ORDERED that the time through March 5, 2008 will continue to be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for continuity of counsel and adequate preparation of counsel taking into account due diligence.

SO ORDERED.

DATED: 2/13/08



HONORABLE CLAUDIA WILKEN
United States District Judge